

ESTTA Tracking number: **ESTTA289221**

Filing date: **06/11/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177036
Party	Defendant Mujahid Ahmad
Correspondence Address	PATRICK I. REA TAYLOR & REA, PLC 3925 OLD LEE HWY, STE 200 FAIRFAX, VA 22030 UNITED STATES rea@taylorrealaw.com
Submission	Motion to Extend
Filer's Name	Patrick I. Rea
Filer's e-mail	rea@taylorrealaw.com
Signature	/Patrick Rea/
Date	06/11/2009
Attachments	2009-06-11 - Applicant s opposition to extension.pdf (15 pages)(198439 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Serial No.	78866376
Filed on	April 20, 2006
For the Mark	NATIONSTAR
Published for Opposition on	January 2, 2007

Nationstar Mortgage LLC., <i>Opposer</i> vs. Mujahid Ahmad, <i>Applicant</i>	Opposition No. 91177036
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APPLICANT'S OPPOSITION TO OPPOSER'S MOTION FOR 30-DAY EXTENSION

Applicant Mujahid Ahmad ("Applicant") hereby opposes the 30-day extension of the discovery deadline and all other dates set forth in the Board's April 27, 2009 Order. Opposer claims that it needs an extension of the discovery deadline in order to take third-party discovery and other discovery concerning facts raised during Opposer's deposition of Applicant.

On May 1, 2007, the Trademark Trial and Appeal Board ("TTAB") issued the initial discovery schedule for this matter. Exhibit A, May 1, 2007, Notice and Trial Dates Sent; Answer Due. The original discovery schedule called for discovery to end on November 17, 2007. On October 31, 2007, Opposer noticed Applicant's deposition for November 14, 2007. Exhibit B, October 31, 2007, Notice of Deposition. Opposer noticed Applicant's deposition for a date three days before expiration of the then

pending discovery schedule. This deposition never took place due to suspension of the proceeding. After further delays, suspensions and extensions, discovery was last re-scheduled to end on June 1, 2009. Exhibit C, April 27, 2009, TTAB Order Resuming Proceedings. Under this revised schedule, on April 29, 2009, Opposer requested that Applicant be available for Applicant's deposition on May 27, 2009. Exhibit D, April 29, 2009, Correspondence from S. Lloyd Smith to Patrick I. Rea. Applicant agreed to that date for the deposition and Opposer took Applicant's deposition on that date, such date being five days before the scheduled end of discovery. Opposer did not notice or schedule Applicant's deposition for any other times.

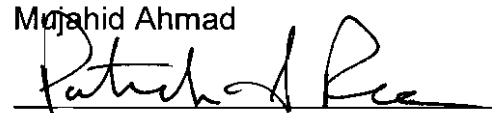
Opposer states that Opposer needs an extension of discovery because (1) Applicant's deposition transcript will not be available until the close of discovery, (2) Opposer may need to take third-party discovery, and (3) Opposer may need other discovery of facts raised in Applicant's deposition. Opposer appears to want to keep its options open and expresses only vague reasons rather than any material purpose to be accomplished during the requested extended discovery period. No deposition facts are identified, no issue is identified and no third party is identified. Opposer twice scheduled Applicant's deposition to take place within a few days of the close of discovery. This was Opposer's choice and Opposer should not be allowed to arbitrarily extend discovery when it seeks such extension merely to make its life easier. Applicant desires to move this opposition to resolution. Applicant's business plans have been held hostage for two years pending resolution of this opposition. Applicant believes that Opposer has had ample time to pursue its discovery and believes that an additional 30-day extension would not serve any legitimate discovery purpose, but would only further

delay this proceeding. For these reasons applicant opposes Opposer's request for an additional 30-day extension of the discovery period.

Respectfully submitted,

Mujahid Ahmad

Date: June 11, 2009


A handwritten signature in black ink, appearing to read "Patrick I. Rea", written over a horizontal line.

Patrick I. Rea
Attorney for Mujahid Ahmad
Taylor & Rea, PLC
3925 Old Lee Hwy, Ste 200
Fairfax, VA 22030
(703) 385-3322
(703) 385-5406 Fax
rea@taylorrealaw.com

CERTIFICATE OF MAILING

I hereby certify that on June 11, 2009, the foregoing Applicant's Opposition to Opposer's Motion for 30-Day Extension is being deposited with the United States Postal Service, with sufficient postage as first-class mail, in an envelope addressed to

S. Lloyd Smith
Buchanan, Ingersoll & Rooney PC
P.O. Box 1404
Alexandria, VA 22314


Patrick I. Rea

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the foregoing was filed electronically via the TTAB's ESTTA online filing system on June 11, 2009.


Patrick I. Rea

EXHIBIT A

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: May 1, 2007

Opposition No 91177036
Serial No. 78866376

AHMAD, MUJAHID
NATIONSTAR
102 2001 NORTH DANIEL STREET
ARLINGTON, VA 22201
MakRealtor@yahoo.com

Nationstar Mortgage LLC

v.

Ahmad, Mujahid

Bryce J. Maynard
Buchanan Ingersoll & Rooney PC
1737 King Street Suite 500
Alexandria, VA 22314
bryce.maynard@bipc.com

ESTTA138324

A notice of opposition to the registration sought in the above-identified application has been filed. The notice of opposition can be viewed and printed at

<http://ttabvue.uspto.gov/ttabvue/v?qs=91177036>

ANSWER IS DUE FORTY DAYS after the transmission date hereof. (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance

with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	May 21, 2007
Discovery period to close:	November 17, 2007
30-day testimony period for party in position of plaintiff to close:	February 15, 2008
30-day testimony period for party in position of defendant to close:	April 15, 2008
15-day rebuttal testimony period for plaintiff to close:	May 30, 2008

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the Official Gazette notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

EXHIBIT B

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

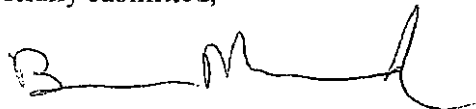
NATIONSTAR MORTGAGE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91177036
)	
MUJAHID AHMAD,)	
)	
Applicant.)	
_____)	

NOTICE OF DEPOSITION OF MUJAHID AHMAD

PLEASE TAKE NOTICE that, pursuant to TBMP § 404 and Rule 30 of the Federal Rules of Civil Procedure, Opposer Nationstar Mortgage LLC will take the oral deposition of Mujahid Ahmad at the offices of Buchanan Ingersoll & Rooney PC, 1737 King Street, Suite 500, Alexandria, Virginia 22314, beginning at 10:00 a.m. on November 14, 2007.

The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths. The deposition will be recorded by audio, video, and/or stenographic means.

Respectfully submitted,

By: 
Bassam N. Ibrahim
Bryce J. Maynard
Buchanan Ingersoll & Rooney, P.C.
1737 King Street, Suite 500
Alexandria, Virginia 22314-1404
(703) 836-6620

Attorneys for Opposer

Date: October 31, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF DEPOSITION OF MUJAHID AHMAD was served this 31st day of October, 2007 by first-class mail, postage prepaid, on:

Stephanie Morris Carmody
Rachel M. Mariner
Steptoe & Johnson
1330 Connecticut Avenue, NW
Washington, DC 20036



Michelle A. Jackson

EXHIBIT C

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

tdc

Mailed: April 27, 2009

Opposition No. 91177036

Nationstar Mortgage LLC

v.

Mujahid Ahmad

**Robert H. Coggins,
Interlocutory Attorney:**

On February 27, 2009, proceedings were suspended and applicant was allowed thirty days to appoint new counsel, or to file a paper stating that applicant chooses to represent himself. On March 26, 2009, the law firm of Taylor & Rea, PLC filed a notice of appearance on behalf of applicant. Accordingly, Patrick I. Rea, of Taylor & Rea, is recognized as applicant's new attorney of record.

Proceedings are resumed, and discovery and trial dates are reset as indicated below.

Discovery period to close:	6/1/09
30-day testimony period for party in position of plaintiff to close:	8/30/09
30-day testimony period for party in position of defendant to close:	10/29/09
15-day rebuttal testimony period to close:	12/13/09

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

EXHIBIT D

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

S. Lloyd Smith
703 299 6614
lloyd.smith@birc.com

P.O. Box 1404
Alexandria, VA 22313-1404

1737 King Street, Suite 500
Alexandria, VA 22314-2727

T 703 838 6620
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www.buchananingersoll.com

April 29, 2009

VIA FACSIMILE
703-385-5406 (1 pg)

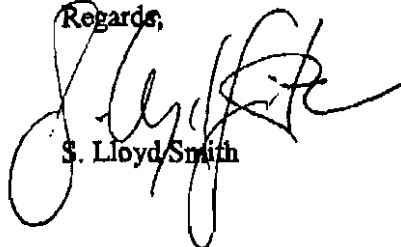
Patrick I. Rea, Esquire
Taylor & Rea, PLC
3925 Old Lee Highway, Ste. 200
Fairfax, VA 22030

Re: Nationstar Mortgage, LLC;
Mujahid Ahmad
Opposition No. 91177036
Our Reference: 0055673-000033

Dear Mr Rea:

We need to schedule a date for Mr. Ahmad's deposition, which was originally noticed on October 31, 2007, before the June 1, 2009 close of discovery. We request that Mr. Ahmad appear on May 27, 2009 at 9 a.m. here in our offices in Alexandria, Virginia. Please confirm immediately that he will appear as requested or call me to discuss.

Regards,



S. Lloyd Smith

SLS/jb